

## **REMARKS**

### **I. THE RESTRICTION REQUIREMENT**

The Office requires restriction of the claims to one of the following groups:

Group I, claims 1-5, 7-11, 14, 15, 19, 20, 23-25 and 31-33, drawn to an isolated nucleic acid encoding a receptor protein, the protein encoded thereby, a vector comprising the nucleic acid, a host cell comprising the vector, and methods of use;

Group II, claim 12, drawn to a transgenic animal<sup>1</sup>;

Group III, claims 16 and 17, drawn to an antisense molecule;

Group IV, claims 21, 22, 26-29 and 35-37, drawn to a compound of unspecified constitution defined solely by a recited biological activity;

Group V, claim 30, drawn to an antibody; and

Group VI, claim 34, drawn to a receptor binding assay that does not employ a recombinant host cell.

In response, Applicants elect Group I, claims 1-5, 7-11, 14, 15, 19, 20, 23-25 and 31-33, without traverse. Applicants reserve the right to file divisional applications on the non-elected claims.

### **II. THE OBJECTION TO CLAIM 13**

The Office Action objects to claim 13, asserting that it has improper dependency. In response, Applicants provisionally withdraw claim 13 in light of the restriction requirement.

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<sup>1</sup> Claim 12 recites a transgenic cell, tissue or organism. Claim 13 depends from claim 12 and should therefore be included in Group II.

### III. CONCLUSION

Early consideration and prompt allowance of the pending claims is respectfully requested.

Respectfully submitted,

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Serial No. 10/018,257 Docket No. JAB-1517-UGA LAD  
Application of: Bender et al. By: June 7, 2004  
Entitled: Cloning and Expression of a Novel 5-HT<sub>4</sub> Receptor

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE STAMPED HEREON:

- |   |  |
|---|--|
| <input type="checkbox"/> Oath or Declaration                          | <input type="checkbox"/> Drawings <u>    </u> sheets                                 |
| <input type="checkbox"/> Assignment                                   | <input type="checkbox"/> MPEP 609/ <u>    </u>                                       |
| <input type="checkbox"/> Response                                     | <input type="checkbox"/> Notice of Appeal  |
| <input type="checkbox"/> Fee Transmittal                              | <input type="checkbox"/> Brief   |
| <input checked="" type="checkbox"/> Charge to Deposit Account 10-0750 | <input type="checkbox"/> Priority Document   |
| <input type="checkbox"/> Amendment                                    | <input type="checkbox"/> Status Inquiry  |
| <input type="checkbox"/> Extension of Time                            | <input type="checkbox"/> Sequence Listings/Diskette                                  |
| <input type="checkbox"/> Issue Fee Transmittal                        | <input type="checkbox"/> Biological Deposit Declaration                              |
| <input type="checkbox"/> PCT Filing <u>    </u>                       | <input checked="" type="checkbox"/> Other <u>Response to Restriction Requirement</u> |
| <input type="checkbox"/> IDS-Form 1449                                |  |